

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

03 CV 12236 RGS

CIVIL ACTION
NO.

MAGISTRATE JUDGE Cohen

MARY NOLAN,

Plaintiff,

v.

RAYTHEON COMPANY,

Defendant.

51687
FEE \$ 150
COMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
FEE ISSUED
11/13/03 P.O.M.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Raytheon Company ("Raytheon") hereby removes this action to the United States District Court for the District of Massachusetts. As grounds therefore, Raytheon states as follows.

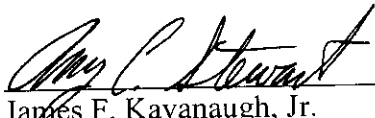
1. Raytheon was served with the Summons and Complaint on October 14, 2003. Copies of all process, pleadings, and orders currently received by Raytheon are attached hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a).
2. Pursuant to 28 U.S.C. § 1446(b), this removal notice is timely.
3. In her claim, the plaintiff brings two counts, one of which is explicitly brought under the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), 29 U.S.C. §§1161-1168.
4. COBRA is part of, and subject to the enforcement mechanism of, the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1001, et seq. See Demars v. CIGNA Corp., 173 F. 3d 443, 447 (1st Cir. 1999) ("Courts here have found that claims related to COBRA coverage are preempted by ERISA") (citation omitted).

5. The district courts of the United States have jurisdiction over all claims under ERISA, including claims to recover benefits allegedly due under an employee benefit plan, to enforce rights under the terms of such a plan, or to clarify rights to future benefits under the terms of such a plan. 29 U.S.C. § 1132(e)(1).

6. Concurrent with the filing of this Notice of Removal, Raytheon is providing notice of the removal to all adverse parties and to the clerk of the Plymouth Superior Court, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, the defendant removes this action pursuant to 28 U.S.C. §§ 1441 and 1446.

RAYTHEON COMPANY,
By its attorneys,



James F. Kavanaugh, Jr.

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Dated: November 13, 2003

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11/13/03
Amy C. Stewart